



#11  
12/12/02 AF/GP3634\$

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE HONORABLE BOARD OF PATENT APPEALS

In re U.S. Patent Application of: )  
Ken A. Beggs )  
Serial No.: 09/611,506 )  
Filed: July 7, 2000 )  
For: CHAIR SEAT TILT MECHANISM )

Group Art Unit: 3634  
Examiner: Jerry Redman  
Attorney Docket: LGPL-76327

**RECEIVED**

DEC 09 2002

**GROUP 3600**

**APPELLANT'S BRIEF UNDER 37 C.F.R. 1.192**

Commissioner for Patents  
Washington, D.C. 20231  
U.S.A.

Dear Sir:

CERTIFICATE OF MAILING 37 C.F.R. 1.8	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail, postage prepaid, in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on:	
11-26-02	<i>Jerry Sutton</i>
Date	Signature

The following is the Appellant's Brief, submitted in triplicate and under the provisions of 37 C.F.R. 1.192. The fee of \$320.00 required by 37 C.F.R. 1.17(c) is enclosed.

**Real Party in Interest**

The real party in interest is the assignee of record, i.e. Leggett & Platt Ltd., 195 Bathurst Drive, P.O. Box 214, Waterloo, Ontario N2J 3Z9, Canada.

**Related Appeals and Interferences**

There are no related appeals or interferences that will directly affect, be directly affected by or have a bearing on the present appeal.

12/05/2002 MGE BREM1 00000125 09611506

01 FC:1402

320.00 OP

### **Status of Claims**

Claims 1 to 15 are pending. The present appeal is directed to claims 1, 11, and 14. The other claims of this application -- claims 2 to 10, 12, 13, and 15 -- have been indicated to be allowable if rewritten in independent form.

Claims 1 and 11 are "as filed"; claim 14 was added by the Amendment of January 22, 2002.

### **Status of Amendments**

No amendments have been made subsequent to the issuing of the Final Action on May 2, 2002.

### **Summary of the Invention**

In the subject invention, the seat plate (14) of a chair control is pivotably mounted to the main frame (12) so as to be tiltable forwardly and rearwardly. An arm (22) extends from the seat plate and interacts with a stop (30) of the main frame to limit forward and rearward tilting of the seat plate. The arrangement is such that the seat plate has a range of tilting motion irrespective of the tilt of the back bracket (16) for the chair control. (See page 1, lines 19 to 23 and figure 2.)

This aspect of the invention is embodied in the three appealed claims under appeal: claims 1, 11, and 14.

### Issues

The sole issue at appeal is whether the Examiner erred in rejecting claims 1, 11, and 14 under 35 U.S.C. 102(b) as being anticipated by Hirschmann Patent No. 5,685,607 (hereinafter "Hirschmann").

### Grouping of Claims

1. The three claims under appeal are independent claims. Claims 1 and 11 are independently and separately patentable from claim 14.
2. Claims 1 and 11 do not stand or fall with claim 14.

### Argument

#### 1. Independent Claims 1 and 11

Claim 1 relates to a chair control and claim 11 to a chair having: "a seat plate mounted to said main frame at a main frame pivot so as to be tiltable forwardly and rearwardly regardless of a tilt of said back bracket".

The Examiner, in rejecting claims 1 and 11 as anticipated by Hirschmann, suggests the quoted feature of claims 1 and 11 is found at col. 3, lines 20 to 37 and 40 to 60 of Hirschmann.

In describing his first embodiment, Hirschmann states:

"Referring to FIGS. 1-3, an office chair seat carrier includes a carrier part 1 connected by a cross bolt 4 to a seat platform carrier 2 to permit pivoting about a first axis. Carrier part 1 is also

connected to a back rest carrier 3 by a cross bolt 6 to pivot about a second axis. ... Carrier part 1 is mounted on a support column 12 (FIG. 3). Seat platform carrier 2 is connected to back rest carrier 3 by a cross bolt 7 to pivot about a third axis." (See column 5, lines 44 to 55.)

By reference to the quoted text along with his figures 1 and 2, it will be clear that in this embodiment of Hirschmann, the seat platform carrier 2 ("seat plate" in claims 1 and 11) is constrained to move with the back rest carrier 3 ("back bracket" in claims 1 and 11). This is for the reason that the seat platform carrier 2 is pinned to the back rest carrier 3 by bolt 7. As such, the seat platform carrier 2 is not "tiltable forwardly and rearwardly regardless of a tilt of said back bracket". Therefore, it is submitted that this embodiment of Hirschmann does not contemplate all of the features of claims 1 and 11 and so, it is submitted, cannot be said to anticipate either of claim 1 or claim 11.

In describing his second embodiment, Hirschmann states:

"Referring now to FIGS. 5-7, a seat carrier 1', according to a second embodiment of the present invention, includes a carrier part 2' pivotally connected by cross bolt 5' about a first axis to a seat platform carrier 3'...Carrier part 2' is also connected to back rest carrier 4' by a cross bolt 6' to pivot about a second axis. Seat platform carrier 3' is connected to back rest carrier 4' by a cross bolt 26 to rotate about a third axis. This connection by cross bolt 26 also allows movement between seat platform carrier 3' and back rest carrier 4'...Carrier part 2' is rigidly mounted on a support column 14' ...The relative movement of the three carriers is shown in FIGS. 6 and 7. (See col. 8, lines 8 to 25.)

With reference to figures 6 and 7, it is clear that the tilt of the seat platform carrier 3' ("seat plate" in claims 1 and 11) is dependent upon the tilt of the back rest carrier 4' ("back bracket" in claims 1 and 11). As such, the seat platform carrier 3' is not "tiltable forwardly and rearwardly regardless of a tilt of said back bracket". Therefore, it is submitted that this embodiment of Hirschmann does not contemplate all of the features of claims 1 and 11 and so, it is submitted, cannot be said to anticipate either claim 1 or claim 11.

2. Independent Claim 14

Claim 14 relates to a chair control having: "a seat plate pivotably mounted to said main frame at a main frame pivot, said seat plate tiltable forwardly and rearwardly independently of tilting of said back bracket".

The Examiner, in rejecting claim 14 as anticipated by Hirschmann, suggests the quoted feature of claim 14 is found at col. 3, lines 20 to 37 and 40 to 60 of Hirschmann. These portions of Hirschmann, which are under a heading "Objects and Summary of the Invention", include the following language. "According to a further embodiment...said first frictional force being effective to hold a position of said seat base and said seat back with respect to each other" (col. 3, line 20 and lines 31 to 33). "According to yet another embodiment... said holding member is in a blocking position effective to block a movement of said first element relative to said second element" (col. 3, line 39 and lines 53 to 54). It is submitted that this language does not suggest the recited feature of claims 1 and 11. This may be clearly seen by reference to the remainder of Hirschmann's disclosure.

Hirschmann describes three embodiments: the first in figures 1 to 4, the second in figures 5 to 9, and the third in figures 10 to 14.

The third embodiment of Hirschmann is directed to aspects of a chair control unrelated to the recited feature of claim 14.

As noted above in discussing claims 1 and 11, in the embodiment of figures 1 to 4 of Hirschmann, the seat platform carrier 2 ("seat plate" in claim 14 under appeal) is constrained to move with the back rest carrier 3 ("back bracket" in claim 14 under appeal). This is for the reason that the seat platform carrier 2 is pinned to the back rest carrier 3 by bolt 7. As such, the seat platform carrier 2 is not "tiltable forwardly and rearwardly independently of tilting of said back bracket". Therefore, it is submitted that this embodiment of Hirschmann does not contemplate all of the features of claim 14 and so, it is submitted, cannot be said to anticipate claim 14.

As noted above in discussing claims 1 and 11, in the embodiment of figures 5 to 9 of Hirschmann, it is clear that the tilt of the seat platform carrier 3' ("seat plate" in claim 14 under appeal) is dependent upon the tilt of the back rest carrier 4' ("back bracket" in claim 14 under appeal). As such, the seat platform carrier 3' is not "tiltable forwardly and rearwardly independently of tilting of said back bracket". Therefore, it is submitted that this embodiment of Hirschmann does not contemplate all of the features of claim 14 and so, it is submitted, cannot be said to anticipate claim 14.

**Summary**

For the foregoing reasons, it is submitted that the Examiner's rejection of claims 1, 11, and 14 is improper, and reversal of his decision is respectfully requested.

Respectfully submitted,



Ronald D. Faggetter  
Registration No. 33,345

FETHERSTONHAUGH & CO.  
438 University Avenue  
Suite 1500, Box 111  
Toronto, Ontario  
Canada M5G 2K8  
Telephone: (416) 598-4209  
Facsimile: (416) 591-1690

November 22, 2002  
Enclosure

**APPENDIX – CLAIMS UNDER APPEAL**

1. A chair control, comprising:

a main frame having a stop extending therefrom;

a back bracket pivotably mounted to said main frame so as to have a rearward portion tiltable downwardly;

a seat plate mounted to said main frame at a main frame pivot so as to be tiltable forwardly and rearwardly regardless of a tilt of said back bracket, said seat plate having an arm extending therefrom such that forward and rearward tilting of said seat plate is limited by interaction of said arm with said stop.

11. A chair comprising:

a chair base;

a chair seat;

a chair back;

a chair control comprising;

a main frame mounted to said base, said main frame having a stop extending therefrom;

a back bracket mounted to said chair back, said back bracket pivotably mounted to said main frame so as to have a rearward portion tiltable downwardly;

a seat plate mounted to said seat, said seat plate mounted to said main frame at a main frame pivot so as to be tiltable forwardly and rearwardly regardless of a tilt of said back bracket, said seat plate having an arm extending therefrom such that forward and rearward tilting of said seat plate is limited by interaction of said arm with said stop.



14. A chair control, comprising:

a main frame having a stop extending therefrom;

a back bracket pivotably mounted to said main frame so as to have a rearward portion tiltable downwardly;

a seat plate pivotably mounted to said main frame at a main frame pivot, said seat plate tiltable forwardly and rearwardly independently of tilting of said back bracket;

said seat plate having an arm extending therefrom such that forward and rearward tilting of said seat plate is limited by interaction of said arm with said stop.